



Rep. Frank J. Mautino

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LRB098 17883 JLS 60276 a

1 AMENDMENT TO SENATE BILL 3530

2 AMENDMENT NO. _____. Amend Senate Bill 3530, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 3, on page 1 by deleting lines 4 through 16; and

5 by deleting page 2; and

6 on page 3 by deleting lines 1 through 5; and

7 on page 3 by replacing line 22 with the following:

8 "changing Sections 206.1, 225, 245, 702, 1402, 2101, 2201,
9 2201.1, and 2401"; and

10 on page 3, line 23, by deleting "and 2403"; and

11 on page 6 by inserting immediately below line 20 the following:

1 "(820 ILCS 405/225) (from Ch. 48, par. 335)

2 Sec. 225. This Section, and not Section 212 of this Act,
3 controls the determination of employment status for services
4 performed by individuals in the delivery or distribution of
5 newspapers or shopping news.

6 (A) The term "employment" shall not include services
7 performed by an individual under the age of eighteen in the
8 delivery or distribution of newspapers or shopping news.

9 (B) The term "employment" does not include the performance
10 of freelance editorial or photographic work for a newspaper.

11 (B-5) The employment status of individuals engaged in the
12 delivery of newspapers or shopping news shall be determined as
13 provided in this subsection. The term "employment" does not
14 include the delivery or distribution of newspapers or shopping
15 news if at least one of the following 4 elements is present:

16 (1) The individual performing the services gains the
17 profits and bears the losses of the services.

18 (2) The person or firm for whom the services are
19 performed does not represent the individual as an employee
20 to its customers.

21 (3) The individual hires his or her own helpers or
22 employees, without the need for approval from the person or
23 firm for whom the services are performed, and pays them
24 without reimbursement from that person or firm.

25 (4) Once the individual leaves the premises of the
26 person or firm for whom the services are performed or the

1 printing plant, the individual operates free from the
2 direction and control of the person or firm, except as is
3 necessary for the person or firm to ensure quality control
4 of the newspapers or shopping news, including, but not
5 limited to, the condition of the newspapers or shopping
6 news upon delivery and the location and timing of delivery
7 of the newspapers or shopping news.

8 (C) Notwithstanding subsection (B-5), the ~~The~~ term
9 "employment" does not include the delivery or distribution of
10 newspapers or shopping news to the ultimate consumer if:

11 (1) substantially all of the remuneration for the
12 performance of the services is directly related to sales,
13 "per piece" fees, or other output, rather than to the
14 number of hours worked; and

15 (2) the services are performed under a written contract
16 between the individual and the person or firm for whom the
17 services are performed, and the contract provides that the
18 individual will not be treated as an employee for federal
19 tax purposes.

20 (3) Delivery or distribution to the ultimate consumer
21 does not include:

22 (i) delivery or distribution for sale or resale,
23 including, but not limited to, distribution to a
24 newsrack or newsbox, salesperson, newsstand or retail
25 establishment;

26 (ii) distribution for further distribution,

1 regardless of subsequent sale or resale.

2 (D) Subsections (B-5) and Subsection (C) shall not apply in
3 the case of any individual who provides delivery or
4 distribution services for a newspaper pursuant to the terms of
5 a collective bargaining agreement and shall not be construed to
6 alter or amend the application or interpretation of any
7 existing collective bargaining agreement. Further, subsections
8 (B-5) and subsection (C) shall not be construed as evidence of
9 the existence or non-existence of an employment relationship
10 under any other Sections of this Act or other existing laws.

11 (E) Subsections (B), (B-5), and (C) shall not apply to
12 services that are required to be covered as a condition of
13 approval of this Act by the United States Secretary of Labor
14 under Section 3304 (a)(6)(A) of the Federal Unemployment Tax
15 Act.

16 (Source: P.A. 87-1178.)

17 (820 ILCS 405/245) (from Ch. 48, par. 370)

18 Sec. 245. Coordination with Federal Unemployment Tax Act.
19 Notwithstanding any provisions of this Act to the contrary,
20 excepting the exemptions from the definition of employment
21 contained in Sections 212.1, 217.1, 217.2, 226, and 231 and
22 subsections (B), (B-5), and (C) ~~B and C~~ of Section 225:

23 A. The term "employer" includes any employing unit which is
24 an "employer" under the provisions of the Federal Unemployment
25 Tax Act, or which is required, pursuant to such Act, to be an

1 "employer" under this Act as a condition for the Federal
2 approval of this Act requisite to the full tax credit, against
3 the tax imposed by the Federal Act, for contributions paid by
4 employers pursuant to this Act.

5 B. The term "employment" includes any services performed
6 within the State which constitute "employment" under the
7 provisions of the Federal Unemployment Tax Act, or which are
8 required, pursuant to such Act, to be "employment" under this
9 Act as a condition for the Federal approval of this Act
10 requisite to the full tax credit, against the tax imposed by
11 the Federal Act, for contributions paid by employers pursuant
12 to this Act.

13 C. The term "wages" includes any remuneration for services
14 performed within this State which is subject to the payment of
15 taxes under the provisions of the Federal Unemployment Tax Act.
16 (Source: P.A. 89-252, eff. 8-8-95; 89-649, eff. 8-9-96.)"; and

17 on page 37 by deleting lines 10 through 25; and

18 by deleting page 38; and

19 on page 39 by deleting lines 1 through 23.